

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

January 10, 2019

Chairperson T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, F. Peterson, S. Gawron, J. Montgomery-Keast, B. Mazade, B. Larson, M. Hovey-Wright, E. Hood

MEMBERS ABSENT: J. Doyle, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: R. Smith, 185 W Laketon Ave; R. Schmidt, 3205 Brighton Ave; C. Thomas, 1831 5th St; D. Frasier, 4724 Rood Rd; R. Smith, Mercy Health Partners

APPROVAL OF MINUTES

A motion to approve the Minutes of the regular Planning Commission meeting of December 13, 2018 was made by B. Larson, supported by J. Montgomery-Keast and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2019-01: Request to amend Section 2330 of the zoning ordinance to include 185 W Laketon Ave into the Medical Marihuana Overlay District, by Renee Smith. M. Franzak presented the staff report. The Medical Marihuana Facilities (MMFLA) Overlay District was approved on May 8, 2018. A map of the District was provided, with the subject property highlighted in yellow, abutting the District. To date, the City had approved 15 MMFLA licenses, most of them for Provisioning Centers (retail sales). However, none of them had been granted a State license yet. The applicant would like to be included in the MMFLA district, as they are the only commercial building in the immediate vicinity that was excluded from the district. Initial concerns over the inclusion of this property into the district included the proximity to residential homes. However, other properties within the district abut residential areas as well. A letter was received from D. Edsenga, attorney for the owner of 1823 Commerce St, opposing the request; two phone calls were received with one in favor from E. Seng of 1824 5th St, and one opposed, from J. Gallagher of 1845 5th St.

M. Hovey-Wright asked which activities could take place if the request for inclusion in the district was approved. M. Franzak stated that it would allow all facets of the medical marihuana business. R. Smith stated that they owned 2 properties next to each other, and were just outside the MMFLA district boundary. They had spoken to several of their neighbors who had expressed support for their request. T. Michalski asked what their plans were for the building. R. Smith stated that, at this time, they had no plans to operate a medical marihuana facility, but they would like to have the option. They had thought they were already in the district. In addition, if they decided to sell the property at some point, being in a MMFLA district would be beneficial. R. Schmidt stated that he supported the request, since these were the only 2 commercial properties excluded from the

MMFLA district. C. Thomas lived next door to the property and supported the request. D. Frasier owned property nearby in the MMFLA district. He stated that the ordinance had only been in place about 8 months and he was opposed to making changes to it already. T. Michalski stated that the overlay district wasn't meant to be permanent, and that state rules on medical marihuana changed frequently. R. Smith introduced himself as the legal counsel for Mercy Health and stated that the organization was opposed to the request. He stated that it was close to the Hackley campus and there were currently in the process of trying to redevelop their property for the long term. They didn't think this would be beneficial to the community, and preferred to see how the current medical marihuana districts fared before any changes were made.

A motion to close the public hearing was made by B. Larson, supported by B. Mazade and unanimously approved.

F. Peterson stated that city staff and commissioners had thoughtfully considered the MMFLA overlay district boundaries and had selected underdeveloped areas of town that needed improvement. If this property was to be included in the district, it would make properties currently in the district less desirable. He preferred to gauge the effects of the medical marihuana industry on existing district properties before making any changes. M. Hovey-Wright asked how much of the overlay districts had already been purchased. M. Franzak estimated that there were about 15 license applications in process and around 40-50 parcels in the districts.

A motion that the request to amend Section 2330 of the zoning ordinance to include 185 W Laketon Avenue in the Medical Marihuana Facilities Overlay District be recommended to City Commission for approval, was made by B. Larson, supported by E. Hood and was denied, with F. Peterson, S. Gawron, J. Montgomery-Keast, B. Mazade, M. Hovey-Wright and E. Hood voting nay, and T. Michalski and B. Larson voting aye. M. Franzak reminded the applicant that the Planning Commission's recommendation would still be presented to the City Commission for a final decision.

NEW BUSINESS

Elections – A motion to retain T. Michalski as Chairperson and B. Mazade as Vice Chair was made by B. Larson, supported by J. Montgomery-Keast and unanimously approved, with T. Michalski, F. Peterson, S. Gawron, J. Montgomery-Keast, B. Mazade, B. Larson, M. Hovey-Wright, and E. Hood voting aye.

OLD BUSINESS

None

OTHER

Letter from Public Safety Director Jeff Lewis – M. Franzak provided members with a copy of a letter from the City's Public Safety Director, regarding access requirements for The Docks development.

There being no further business, the meeting was adjourned at 5:10 p.m.

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